

SPECIAL CA/N INVESTIGATION PROCEDURE: BABY DOE

The Federal Child Abuse Amendments of 1984 (Pub. Law 98-457) introduced certain requirements state agencies must adhere to in the investigation of reports of medical neglect involving handicapped infants in hospitals and health care facilities. These regulations are better known as "Baby Doe" regulations.

These regulations prohibit the withholding of nourishment and medically beneficial treatment from handicapped infants solely on the basis of their present or anticipated mental or physical impairments.

Medically indicated treatment must be provided except when in the treating physician's reasonable medical judgement any of the following circumstances apply:

- The infant is chronically and irreversibly comatose;
- The provision of such treatment would merely prolong dying, not be effective in improving or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or
- The provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself, under such circumstances, would be inhumane.

The Division has the legal responsibility to develop procedures to investigate suspected medical neglect complaints, coordinate the investigation with the individuals designated by the appropriate health care facilities and determine if the treating physician(s) has made the appropriate decision based on the regulations and definitions within the regulation.

Each county office is responsible for updating, on an annual basis, the name, title and telephone number of the individual(s) designated by the facility. If an Infant Care Review Committee (ICRC) has been developed by the facility this team shall be utilized.

MEMORANDA HISTORY